

MiiCs & Partners America Inc., et al. v. Toshiba, et al.
C.A. No. 1:14-cv-803-RGA

MiiCs & Partners America Inc., et al. v. Funai, et al.
C.A. No. 1:14-cv-804-RGA

EXHIBIT D

Theresa Boyle

From: Bryon Wasserman
Sent: Tuesday, December 20, 2016 11:32 AM
To: 'Garr, David'; Frisch, Jared; Higby, Christopher; Aaron Ettelman; Bridget Labutta; Denise Porreca; Dennis Butler; Fred Tecce; Keith Jones; Michael O'Meara; Stephen Murray; Theresa Boyle; PanitchMiiCs053
Cc: SamsungGoldCharmDE; jrozendaal@khhte.com; Rudofsky, Benjamin L.; funaimiics@khhte.com; conner.clint@dorsey.com; MIIC-Tosh@dorsey.com; Poff, Adam; Kraman, Pilar
Subject: RE: MiiCs & Partners America, Inc., et al. v. Toshiba Corporation, et al., 1:14-cv-00803; MiiCs & Partners America, Inc., et al. v. Funai

Dear David

As I stated on the call, as a compromise position we were prepared to go beyond what we considered to be reasonable limitations and agree to six references/devices per patent with an overall limit of 20. Given the state of the case and the fact that the defendants have had the additional benefit of testing their prior art in front of the PTAB, we believe that your proposal of 30 or 36 is excessive. Given the time frames involved it might make sense for local counsel to proceed with scheduling a hearing with the Court so that we can get this resolved expeditiously.

Best Regards
Bryon

From: Garr, David [mailto:dgarr@cov.com]
Sent: Tuesday, December 20, 2016 11:17 AM
To: Frisch, Jared; Bryon Wasserman; Higby, Christopher; Aaron Ettelman; Bridget Labutta; Denise Porreca; Dennis Butler; Fred Tecce; Keith Jones; Michael O'Meara; Stephen Murray; Theresa Boyle; PanitchMiiCs053
Cc: SamsungGoldCharmDE; jrozendaal@khhte.com; Rudofsky, Benjamin L.; funaimiics@khhte.com; conner.clint@dorsey.com; MIIC-Tosh@dorsey.com; Poff, Adam; Kraman, Pilar
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All,

Following up on our call yesterday, and in the spirit of compromise, SDC can agree to the proposal we discussed for narrowing the prior art to 6 references per patent, based on the understanding that Plaintiffs will then provide their validity contentions by the first week of January.

Please confirm whether the other parties are in agreement.

Regards,
Dave

From: Frisch, Jared
Sent: Monday, December 19, 2016 1:04 PM
To: Garr, David; Bryon Wasserman; Higby, Christopher; Aaron Ettelman; Bridget Labutta; Denise Porreca; Dennis Butler; Fred Tecce; Keith Jones; Michael O'Meara; Stephen Murray; Theresa Boyle; PanitchMiiCs053
Cc: SamsungGoldCharmDE; jrozendaal@khhte.com; Rudofsky, Benjamin L.; funaimiics@khhte.com; conner.clint@dorsey.com; MIIC-Tosh@dorsey.com; Poff, Adam; Kraman, Pilar

Subject: RE: MiiCs & Partners America, Inc., et al. v. Toshiba Corporation, et al., 1:14-cv-00803; MiiCs & Partners America, Inc., et al. v. Funai

Counsel,

We can use the dial-in information below for today's call at 2:15 p.m.:

1-866-798-7071

Conference code: 16625002

Regards,

Jared

Jared Frisch

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5002 | jfrisch@cov.com
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From: Garr, David
Sent: Monday, December 19, 2016 12:38 PM
To: Bryon Wasserman; Higby, Christopher; Aaron Ettelman; Bridget Labutta; Denise Porreca; Dennis Butler; Fred Tecce; Keith Jones; Michael O'Meara; Stephen Murray; Theresa Boyle; PanitchMiiCs053
Cc: SamsungGoldCharmDE; jrozendaal@khhte.com; Rudofsky, Benjamin L.; funaimiics@khhte.com; conner.clint@dorsey.com; MIIC-Tosh@dorsey.com; Poff, Adam; Kraman, Pilar
Subject: RE: MiiCs & Partners America, Inc., et al. v. Toshiba Corporation, et al., 1:14-cv-00803; MiiCs & Partners America, Inc., et al. v. Funai

Yes, that should work. Thanks.

From: Bryon Wasserman [<mailto:BWasserman@panitchlaw.com>]
Sent: Monday, December 19, 2016 12:33 PM
To: Garr, David; Higby, Christopher; Aaron Ettelman; Bridget Labutta; Denise Porreca; Dennis Butler; Fred Tecce; Keith Jones; Michael O'Meara; Stephen Murray; Theresa Boyle; PanitchMiiCs053
Cc: SamsungGoldCharmDE; jrozendaal@khhte.com; Rudofsky, Benjamin L.; funaimiics@khhte.com; conner.clint@dorsey.com; MIIC-Tosh@dorsey.com; Poff, Adam; Kraman, Pilar
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Dave, are you available to talk at 2:15?

Thanks
Bryon

From: Garr, David [<mailto:dgarr@cov.com>]
Sent: Monday, December 19, 2016 9:51 AM
To: Bryon Wasserman; Higby, Christopher; Aaron Ettelman; Bridget Labutta; Denise Porreca; Dennis Butler; Fred Tecce; Keith Jones; Michael O'Meara; Stephen Murray; Theresa Boyle; PanitchMiiCs053
Cc: SamsungGoldCharmDE; jrozendaal@khhte.com; Rudofsky, Benjamin L.; funaimiics@khhte.com; conner.clint@dorsey.com; MIIC-Tosh@dorsey.com; Poff, Adam; Kraman, Pilar
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Bryon, SDC is generally available today through 3:00 p.m., for a call on this.

Regards,
Dave

From: Bryon Wasserman [<mailto:BWasserman@panitchlaw.com>]
Sent: Friday, December 16, 2016 6:22 PM
To: Higby, Christopher; Aaron Ettelman; Bridget Labutta; Denise Porreca; Dennis Butler; Fred Tecce; Keith Jones; Michael O'Meara; Stephen Murray; Theresa Boyle; PanitchMiiCs053
Cc: SamsungGoldCharmDE; jrozendaal@khhte.com; Rudofsky, Benjamin L.; funaimiics@khhte.com; conner.clint@dorsey.com; MIIC-Tosh@dorsey.com; Poff, Adam; Kraman, Pilar; Garr, David
Subject: RE: MiiCs & Partners America, Inc., et al. v. Toshiba Corporation, et al., 1:14-cv-00803; MiiCs & Partners America, Inc., et al. v. Funai

Dear David

We do not believe that your counter-proposal is reasonable, in light of the stage of the case and Plaintiffs' previous reduction of the number of asserted claims. Please advise when you're available Monday to meet and confer.

Best Regards
Bryon

From: Higby, Christopher [<mailto:CHigby@cov.com>]
Sent: Thursday, December 15, 2016 11:48 AM
To: Bryon Wasserman; Aaron Ettelman; Bridget Labutta; Denise Porreca; Dennis Butler; Fred Tecce; Keith Jones; Michael O'Meara; Stephen Murray; Theresa Boyle; PanitchMiiCs053
Cc: SamsungGoldCharmDE; jrozendaal@khhte.com; Rudofsky, Benjamin L.; funaimiics@khhte.com; conner.clint@dorsey.com; MIIC-Tosh@dorsey.com; Poff, Adam; Kraman, Pilar; Garr, David
Subject: MiiCs & Partners America, Inc., et al. v. Toshiba Corporation, et al., 1:14-cv-00803; MiiCs & Partners America, Inc., et al. v. Funai

Counsel,

Please see the attached correspondence.

Regards,

Chris

Christopher Higby

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Washington, DC 20001-4956
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